

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

FAIRFIELD SENTRY LIMITED, et al.,

Debtor in Foreign
Proceedings.

Chapter 15 Case
Case No. 10-13164 (CGM)
Jointly Administered

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

ABN AMRO SCHWEIZ AG, et al.,

Defendants.

Adv. Pro. No. 10-03635 (CGM)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

ABN AMRO SCHWEIZ AG, et al.,

Defendants.

Adv. Pro. No. 10-03636 (CGM)

**DECLARATION OF ARI MACKINNON IN
SUPPORT OF BNP PARIBAS SUISSE'S OPPOSITION
TO THE LIQUIDATORS' MOTION FOR SANCTIONS UNDER RULE 37(e)**

I, Ari MacKinnon, do hereby declare, under penalty of perjury under the laws of the United States of America, that the following is true and correct to the best of my knowledge and belief:

1. I am a member of the law firm of Cleary Gottlieb Steen & Hamilton LLP, counsel for BNP Paribas Suisse ("BNPP Suisse"). I submit this Declaration in support of BNPP Suisse's

opposition to the Liquidators' Motion for Sanctions Under Rule 37(e), ECF Nos. 1000-1 and 1084-1 (the "Motion"), filed by the Plaintiffs (the "Liquidators" or the "Plaintiffs") as Liquidators and Foreign Representatives of Fairfield Sentry Limited (In Liquidation) ("Sentry") and Fairfield Sigma Limited (In Liquidation) ("Sigma" and together with Sentry, the "Fairfield Funds"), filed contemporaneously herewith.

2. Unless otherwise noted, all exhibits attached to this declaration have been filed under seal pursuant to the pending Joint Motion to File Under Seal Brief in Opposition to Liquidators' Motion for Sanctions and Certain Exhibits filed concurrently herewith.

3. Attached as Exhibit 1 is a true and correct copy of a document entitled BNPP Suisse Business Personnel Meeting Summary, dated December 8, 2022, which was produced by BNPP Suisse to the Liquidators as BNP_SUISSE_FF_02445.

4. Attached as Exhibit 2 is a true and correct copy of a document entitled BNPP Suisse IT Call Summary, dated December 8, 2022, which was produced by BNPP Suisse to the Liquidators as BNP_SUISSE_FF_02458.

5. Attached as Exhibit 3 is a true and correct copy of an email exchange between Tom Kessler and Ron Krock, dated June 6, 2022. BNPP Suisse files Exhibit 3 on the docket and not under seal.

6. Attached as Exhibit 4 is a true and correct copy of a letter from Ari MacKinnon to Joshua Margolin, dated October 7, 2022. BNPP Suisse files Exhibit 4 on the docket and not under seal.

7. Attached as Exhibit 5 is a true and correct copy of a document entitled BNPP Suisse In-House Counsel Meeting Summary, dated December 8, 2022, which was produced by BNPP Suisse to the Liquidators as BNP_SUISSE_FF_02457.

6. Attached as Exhibit 6 is a true and correct copy of Plaintiffs' Responses and Objections to BNPP Suisse's First Set of Requests for Production of Documents, dated January 12, 2023. BNPP Suisse files Exhibit 6 on the docket and not under seal.

Dated: February 22, 2023
New York, New York

Respectfully submitted,

/s/ Ari MacKinnon

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